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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,844	02/10/2004	Charles Zdzislaw Loboz	624-L	1643

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EXAMINER	
LAU, TUNG S	

ART UNIT	PAPER NUMBER
2863	

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/775,844	LOBOZ ET AL.
	Examiner	Art Unit
	Tung S. Lau	2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 February 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *02/10/2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Obejections

1. Claim 8 contains a typographical error 'ameliorating', the examiner assumes it means monitoring for this application, correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 3-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Maruyama et al. (U.S. Patent 6,212,520).

Regarding claim 1:

Maruyama discloses a method for determining a dependency between a first and a second system resource performance characteristic in a computing system, comprising the steps of: providing data values for the first performance characteristic and the second performance characteristic of the computing system (Col. 4, Lines 12-39, fig. 4, unit s2); and applying a mathematical algorithm to derive a correlation value between the first and second characteristics (fig. 4, unit s3, s5), wherein the correlation value provides and indication of the relative association between the second characteristic and the first characteristic (fig. 4, unit s3, s5).

Regarding claim 3:

Maruyama discloses a method of determining sub-optimal performance in a computing system, comprising the steps of, determining a dependency between

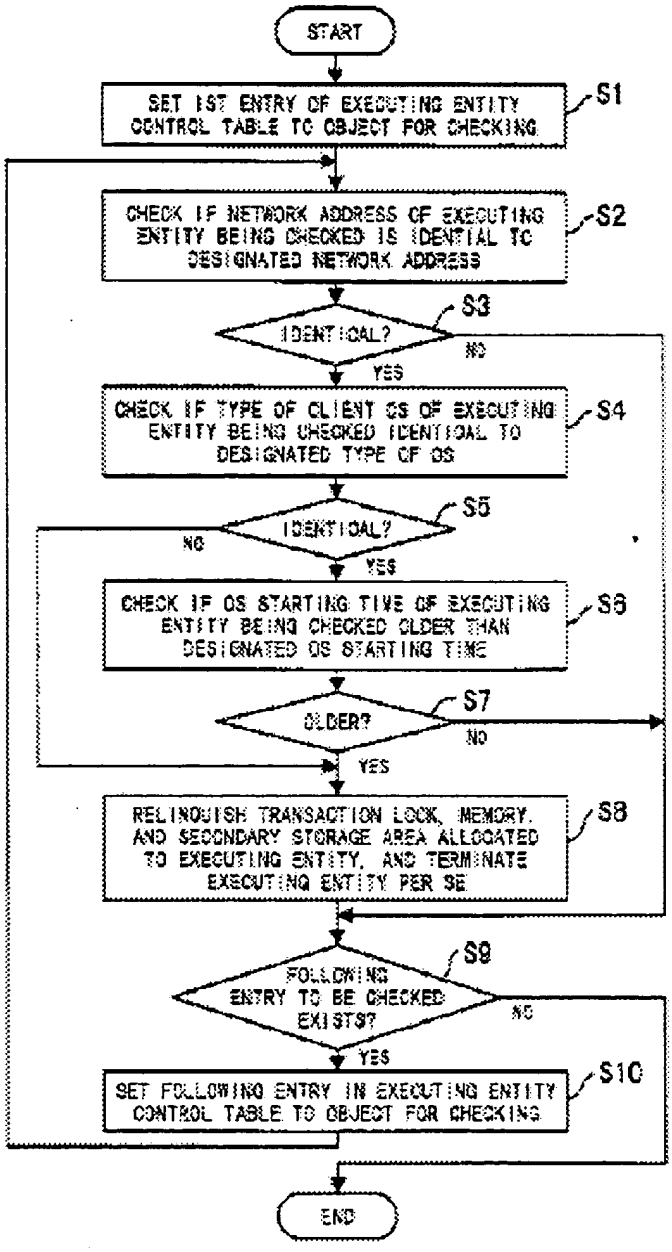

FIG. 4

a first and a second system resource performance characteristic in a computing system (fig. 4, unit s3, s5), the step of determining the dependency including the

steps of: providing data values for the first performance characteristic and the second performance characteristic of the computing system (fig. 4, unit s3, s5); and applying a mathematical algorithm to derive a correlation value between the first and second characteristics (fig. 4, unit s2, s4), wherein the correlation value provides an indication of the relative association between the second characteristic and the first characteristic (Col. 4, Lines 12-39).

Regarding claim 4:

Maruyama discloses a system for analyzing a computing system comprising determination means arranged to determine a dependency between a first and a second system resource performance characteristic in a computing system (Col. 4, Lines 12-39), the determination means further comprising: data gathering means arranged to provide data values for the first performance characteristic and the second performance characteristic of the computing system (fig. 4, unit s2, s4); and computational means arranged to apply a mathematical algorithm to derive a correlation value between the first and second characteristics (fig. 4, s3, s5), wherein the correlation value provides an indication of the relative association between the second characteristic and the first characteristic (fig. 4, unit s3, s5, s7).

Regarding claim 7:

Maruyama discloses a method of analysing a computer system to determine the cause of an intermittent system overload (Col. 3, Lines 39-62), comprising the steps of, providing data values for the first performance characteristic and the

second performance characteristic of the computing system (fig. 4, unit s3, s5); and applying a mathematical algorithm to derive a correlation value between the first and second characteristics, wherein the correlation value provides and indication of the relative association between the second characteristic and the first characteristic (fig. 4, unit s3-s5).

Regarding claim 8:

Maruyama discloses a method of a monotoring the need to monitor multiple system characteristics by determining a subset of performance characteristics which particularly impact on the performance of a given computing system (Col. 4, Lines 12-39), comprising the steps of, providing data values for the first performance characteristic and the second performance characteristic of the computing system (fig. 4, unit s3); and applying a mathematical algorithm to derive a correlation value between the first and second characteristics (fig. 4, unit s3, s5), wherein the correlation value provides and indication of the relative association between the second characteristic and the first characteristic (fig. 4, unit s6, s7).

Regarding claim 9:

Maruyama discloses a method of analysing a computing system to determine problematic characteristics of the computing system to reduce the number of Characteristics which require further analysis (abstract), comprising the steps of, providing data values for the first performance characteristic and the second performance characteristic of the computing system (fig. 4, unit s3, s5); and

applying a mathematical algorithm to derive a correlation value between the first and second characteristics (fig. 4, unit s3, s5), wherein the correlation value provides and indication of the relative association between the second characteristic and the first characteristic (fig. 4, unit s6, s7, Col. 4, Lines 12-39). Regarding claim 5, Maruyama discloses a computer program runs on a computer system (fig. 2, unit 30, 10, 20); Regarding claim 6, Maruyama discloses a computer readable medium (fig. 2, unit 30, 10, 20).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

a. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maruyama et al. (U.S. Patent 6,212,520) in view of Inman et al. (U.S. Patent Application Publication 2003/0096606)

Maruyama discloses a method including the subject matter discussed above except use of a pearson correlation coefficient equation, Inman discloses the use of a pearson correlation coefficient equation (page 5, section 0045), in order to minimizes the probability of error and reduces the number of false conclusions (page 1, section 0009).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Maruyama to have the use of a pearson

correlation coefficient equation taught by Inman in order to minimizes the probability of error and reduces the number of false conclusions.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung S Lau whose telephone number is 571-272-2274. The examiner can normally be reached on M-F 9-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone numbers for the organization where this application or proceeding is assigned is 703-872-9306 Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BRYAN BUI
PRIMARY EXAMINER

7/5/05

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